IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11794 of 2004

Between:

Ravuri Masthan Rao, S/o Late Venkataratnam,Aged about 40 yrs
Occ:Agriculture, R/o Elaprolu Post, Ibrahimpatnam Mandalam,
Krishna District

..... PETITIONER

AND

1. The Assistant Commissioner of Endowments, Endowments Department,
Near Old Bus Stand, Vijayawada

2 Person-in Management, Anjaneya Swamy Temple, Elaprolu Post,
Ibrahimpatnam Mandalam, Krishna District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the nature of Writ of Mandamus declaring the action of the respondent in conducting the public Auction for the lease hold rights of the land in Sy.No.122 for the extent of 4.19 cents, situated at Elaprolu Village, Ibrahimpatnam mandal, Krishna District as wholly illegal, arbitrary and violative of Article 14 & 21 of the Constitution of India

For the Petitioner:MR.B.VENKATADRI

For the Respondents.: GP FOR ENDOWMENTS

The Court Made the Following :

ORDER

This Writ Petition is filed by the petitioner aggrieved by the action of the second respondent in proposing to conduct auction of the leasehold rights without proper publication.

2. According to the petitioner, he is a cultivating tenant in respect of an extent of Ac.4.19 cents situated at Elaprolu village, Ibrahimpatnam mandal, Krishna District for the last several years and the lease amount was being enhanced from time to time. According to the petitioner, he is also having lease in his favour even for the years 2004-2005, but without evicting the petitioner and without serving any notice, the second respondent issued a publication by tom tom in the village proposing to conduct auction of the lease hold rights in respect of the property in question. It is also stated that though Rule 5 (1) notice was served on the petitioner on 20-04-2003, thereafter no action was taken pursuant to the said notice, and the petitioner was allowed to cultivate the land for

the year 2003-2004. Therefore, the petitioner claims that he is entitled to continue for the current year i.e., 2004-2005. It is also stated that he has already raised crop and hence sought for setting aside the proposed auction.

3. The learned Standing Counsel, on the other hand, opposed the contention stating that Rule 5(1) notice has been issued a year back and therefore, the petitioner is not entitled to any relief. The respondent authorities are entitled to auction the leasehold rights.

4. Heard both sides and perused the material available on record.

5. The only grievance of the petitioner is that he has been continuing as lessee for the last several years. The respondents have put the land for auction of leasehold rights without issuing prior notice to the petitioner and without evicting the petitioner from the schedule land. But, at the same time, the petitioner admits that a notice under Rule 5 (1) of the Rules framed in G.O.Ms.No.379, was served on the petitioner in April, 2003. When once the said notice was served on the petitioner and even as per the judgment of this

Court, the respondents are entitled to evict the petitioner without further notice or proceedings. Under the above circumstances, the petitioner cannot raise any further objection.

6. According to the petitioner, there is a standing crop in the land. If it is so, it is open for the petitioner to make a representation before the respondent and if such representation is made, the respondents are directed to take appropriate action. However it is open for the petitioner to participate in the auction and continue if he becomes a successful bidder.

7. Accordingly, the Writ Petition is disposed of. No costs.

09-07-2004.

Hsd/Kvh

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Assistant Commissioner of Endowments, Endowments Department, Near Old Bus Stand, Vijayawada

2 Person-in Management, Anjaneya Swamy Temple, Elaprolu Post, Ibrahimpatnam Mandalam, Krishna District

3. 2 C.Cs to G.P. for Endowments,High Court Buildings, Hyderabad (OUT)

4. 2 C.D.copies